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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 11. PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PROPOSED REGULATORY ACTION

Amend Regulations 1005, 1007, and 1008, and update the *Training and Testing Specifications for Peace Officer Basic Courses*

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Chapter 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code §11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

Public Comments Due by April 6, 2009 at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at 916.227.6932 or by letter to the:

Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083

Following the close of the public comment period, the Commission may adopt the proposal substantially as described below or may modify the original proposal with sufficiently related changes. With the exception of technical or grammatical changes, the full text of a modified proposal will be available for 15 days prior to its adoption from the person designated in this notice as the contact person. The Commission will also mail the full text to persons who submit written comments related to the proposal or who have requested notification of any changes.

Authority and Reference

This proposal is made pursuant to the authority vested by Penal Code §13503 — POST powers and

§ 13506 — POST authority to adopt regulations. This proposal is intended to interpret, implement, and make specific Penal Code § 13503 (e) — POST authority to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its January 22, 2009 meeting, the Commission approved proposed amendments to Learning Domains throughout the *Training and Testing Specifications for Peace Officer Basic Courses* publication, incorporated by reference into POST Regulations 1005, 1007, and 1008. The proposed changes included:

- Standardize skills testing for the Basic Course
- Update Training & Testing Specification curriculum as part of an ongoing review

All changes to academy curriculum begin with recommendations from law enforcement practitioners or, in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and SMEs who provide recommended changes to existing academy curriculum. The recommendations are forwarded to a Test Review Panel, comprised of academy administrators that identify testing questions and pass point thresholds for the new curriculum. Once it has been reviewed by the Test Review Panel, it is submitted for review by all academies at the Basic Course Consortium quarterly meetings facilitated by POST. The completed work of all committees is presented to the POST Commission at large for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test to the updated curriculum. The proposed effective date is July 1, 2009.

Local Mandate

This proposal does not impose a mandate on local agencies or school districts.

Fiscal Impact Estimates

This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with §17500) of the Government Code, Division 4. This proposal does not impose other nondiscretionary cost or savings on local agencies. This proposal does not result in any cost or savings in federal funding to the state.

Costs or Savings to State Agencies

POST anticipates no additional costs or savings to state agencies.

Business Impact/Small Businesses

The Commission has made an initial determination that this regulatory proposal would have no significant

statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The proposal does not affect small businesses, as defined by Government Code §11342.610, because the Commission sets selection and training standards for law enforcement and does not have an impact on California businesses, including small businesses.

Assessment Regarding Effect on Jobs/Businesses

The Commission has determined that this regulatory proposal will not have any impact on the creation or elimination of jobs and will not result in the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Businesses

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs

None

Alternatives

The Commission must determine that no reasonable alternative considered by the agency, or otherwise identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective as, and less burdensome to, affected private persons than the proposed action.

Contact Person

Please direct inquires or written comments about the proposed regulatory action to the following:

Julie Hemphill
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
916.227.0544 or julie.hemphill@post.ca.gov
FAX 916.227.6932

or

Connie Paoli
Commission on POST
1601 Alhambra Boulevard
Sacramento, CA 95816-7083
916.227.4854 or connie.paoli@post.ca.gov
FAX 916.227.5271

Text of Proposal

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 1601 Alhambra Boulevard, Sacramento, CA 95816. These documents are also located on the POST website at: www.post.ca.gov/RegulationNotices/Regulation.asp.

Availability and Location of the Rulemaking File and the Final Statement of Reasons

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person named above.

To request a copy of the Final Statement of Reasons once it has been prepared, submit a written request to the contact person named above.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 8841 and 8495, of the Fish and Game Code and to implement, interpret or make specific sections 8392, 8494, 8495, 8496, 8497, 8830, 8831, 8837, 8840, 8841 and 8843, of said Code, proposes to amend Section 124, Title 14, California Code of Regulations, relating to commercial halibut trawl fishing.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Fish and Game Commission (Commission) has stated its intent to provide for a sustainable trawl fishery within the California Halibut Trawl Grounds (CHTG), which are located in certain sections of state waters between one and three nautical miles from the mainland shore between Point Arguello and Point Mugu. Existing law establishes the open season for trawling within the CHTG from June 16 to March 14, inclusive. In addition, existing law establishes the minimum mesh size (7.5 inches), length (29 meshes), and circumference (47 meshes) of the cod end of any trawl net used within the CHTG. Existing law also allows the use of a double cod end only if it is hung and tied to each rib line of the trawl so that the knots of each layer coincide, knot for knot, for the full length of the double layers. The double mesh section shall not measure over 25 meshes or 12 feet in length, whichever is greater. These laws contribute to

the sustainability of the fishery and they will continue to apply whether or not additional new gear restrictions are adopted.

The Commission has also stated its intent to minimize the impact from trawling on the soft-bottom habitats in which the fishery operates. The Southern California Trawlers Association (SCTA) has proposed a definition for "light touch" trawl gear which would meet the stated intentions of the Commission. The proposed regulations are as follows:

- (b) Gears. Special gear requirements apply while trawling for California halibut in the California Halibut Trawl grounds. Each trawl net, including trawl doors and footrope chain, shall meet the following requirements:
 - (1) Each trawl net shall have a headrope not exceeding 90 feet in length. The headrope is defined as a chain, rope, or wire attached to the trawl webbing forming the leading edge of the top panel of the trawl net. Headrope shall be measured from where it intersects the bridle on the left side of the net to where it intersects the bridle on the right side of the net.
 - (2) The thickness of the webbing of any portion of the trawl net shall not exceed 7 millimeters in diameter.
 - (3) Each trawl door shall not exceed 500 pounds in weight.
 - (4) Any chain attached to the footrope shall not exceed one quarter inch in diameter of the link material. The footrope is defined as a rope or wire attached to the trawl webbing forming the leading edge of the bottom panel of the trawl net.
 - (5) The trawl shall have no rollers or bobbins on any part of the net or its component wires, ropes, and chains.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Thursday, March 5, 2009 at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Wine and Roses Country Inn, Garden Ballroom, 2505 West Turner Road, Lodi, California, on Thursday, April 9, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 2, 2009 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments

mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on April 7, 2009.

All comments must be received no later than April 9, 2009. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbueña at the preceding address or phone number. **Ms. Marija Vojkovich, Regional Manager, Marine Region, Department of Fish and Game, (805) 568-1246 has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation will only

apply to approximately 12–15 commercial halibut trawl vessel operators.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 14. FISH AND GAME COMMISSION

Notice of Proposed Changes in Regulations

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205, 215 and 316.5 of said Code, proposes to amend subsection (b)(178) of Section 7.50, Title 14, California Code

of Regulations, relating to Silver King Creek sport fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations for Silver King Creek (Alpine Co.) downstream of the confluence with Tamarack Lake Creek provide for trout fishing from the last Saturday in April through November 15, with a five–fish daily bag limit and ten–fish possession limit. Angling is permitted in this portion of the drainage, originally occupied by the endemic Paiute cutthroat trout. The portion of Silver King Creek and tributaries (including lakes) upstream of Tamarack Lake Creek is currently closed to fishing year–round to protect Paiute cutthroat trout populations above Llewellyn Falls. Currently non–native rainbow trout dominate Silver King Creek below Llewellyn Falls, a natural barrier to upstream fish movement, posing a threat to the native Paiute cutthroat trout residing above the barrier.

The Department is proposing to increase the bag limit for trout in Silver King Creek downstream of the confluence with Tamarack Lake Creek to the confluence with Snodgrass Creek (approximately 8 miles of Silver King Creek) to a ten (10) fish daily bag limit and ten (10) fish possession limit. The proposed regulation change will 1) reduce the number of non–native trout available for illegal human–induced translocation upstream into protected Paiute cutthroat trout habitats above Llewellyn Falls; and 2) reduce the population of non–native trout, thus improving the odds of additional restoration efforts to eliminate non–native trout from the Silver King Creek drainage.

Other existing portions of the watershed currently closed to angling would remain closed.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on Thursday, March 5, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Wine and Roses Country Inn, Garden Ballroom, 2505 West Turner Road, Lodi, California, on Thursday, April 9, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before April 2, 2009 at the address given below, or by fax at (916) 653–5040, or by e–mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e–mailed to the Commission office, must be received before 5:00 p.m. on April 7, 2009.

All comments must be received no later than April 9, 2009. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in ~~strikeout~~underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above mentioned documents and inquiries concerning the regulatory process to John Carlson, Jr., or Sherrie Fonbueña at the preceding address or phone number. **Mr. Neil Manji, Chief, Fisheries Branch, Department of Fish and Game, phone (916) 327–8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation affects a short stream reach in a remote wilderness area of northern California and is necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code sections 11342.580 and 11346.2(a)(1).

Consideration of Alternatives

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

GENERAL PUBLIC INTEREST

BUREAU OF STATE AUDITS

Upcoming Interested Persons Meetings

Representatives from the California Bureau of State Audits are conducting public meetings regarding the implementation of the Voters First Act, which calls for the selection of a Citizens Redistricting Commission (Commission) that will draw new boundary lines for State Assembly, State Senate, and State Board of Equalization districts. Specifically, the purpose of the meetings is to solicit comments about the processes that should be established for individuals to apply to become members of the Commission and for the selection of an Applicant Review Panel to assess the applicants and create an applicant pool of 60 qualified members. Below are the dates for our upcoming meetings. For additional information or to view the entire Notice of Interested Persons Meetings, please visit our website at <http://www.bsa.ca.gov> or call Barbara Paget at (916) 445-0255.

Los Angeles — Monday, February 23, 2009

Location: Central Branch Library
Mark Taper Auditorium
630 W. 5th Street
Los Angeles, CA 90071

Time: 11 a.m. to 1 p.m. *

San Francisco — Friday, February 27, 2009

Location: Office of the Courts
Milton Marks Auditorium
455 Golden Gate Ave.
San Francisco, CA 94102

Time: 10 a.m. to 12 p.m. *

Sacramento — Tuesday, March 3, 2009

Location: California Secretary of State Office
Building
Auditorium
1500 11th Street
Sacramento, CA 95814

Time: 1 p.m. to 3 p.m. *

* The time allocated for each meeting may be extended on the day of the meeting if representatives from the Bureau of State Audits determine that additional time is necessary to accommodate the number of participants. However, no meeting shall extend past 5:00 p.m.

DEPARTMENT OF INSURANCE

ADDENDUM TO NOTICE OF PUBLIC HEARING ONLINE PRELICENSING AND CONTINUING EDUCATION

BY NOTICE dated January 26, 2009, and published in the February 6, 2009, California Regulatory Notice Register, Register 2009, No. 6-Z, the Department of Insurance announced it would conduct a public hearing to consider amendments to regulations for Online Prelicensing and Continuing Education. The hearing was scheduled for March 23, 2009. The hearing has been rescheduled.

PLEASE BE ADVISED that the public comment period has been extended until 5:00 p.m. on April 7, 2009 and the public hearing has been rescheduled to the following date:

DATE: **April 7, 2009**

TIME: **10:00 a.m.**

PLACE: Department of Insurance
300 Capitol Mall, 13th Floor Conference Room
Sacramento, California 95814

Please direct all written comments and questions to the following contact person:

Elena Fishman, Senior Staff Counsel
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, California 95814
Telephone: 916-492-3507
Email: fishmane@insurance.ca.gov

FISH AND GAME COMMISSION

NOTICE OF CANDIDACY (California Tiger Salamander) (*Ambystoma californiense*)

NOTICE IS HEREBY GIVEN that, pursuant to judicial rulings in *Center for Biological Diversity v. California Fish and Game Commission* California Third District Court of Appeal Case No. C055059, Sacramento Superior Court, Case No. 05CS0233, the California Fish and Game Commission, at its February 5, 2009, meeting in Sacramento, accepted for consideration the petition submitted to list the California tiger salamander (*Ambystoma californiense*) as endangered. The aforementioned species is hereby declared a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of candidacy, the Department of Fish and Game shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned action is warranted. Copies of the petition, as well as minutes of the February 5, 2009, Commission meeting, are on file and available for public review from John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

FISH AND GAME COMMISSION

NOTICE OF FINAL CONSIDERATION OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on August 14, 2007, received a petition from The Bay Institute, Center for Biological Diversity, and Natural Resources Defense Council to take emergency action to list longfin smelt (*Spirinchus thaleichthys*) as an endangered species.

Pursuant to Section 2073 of the Fish and Game Code, on August 21, 2007, the Commission transmitted the petition to the Department of Fish and Game (Department) for review pursuant to Section 2073.5 of said code.

At its October 11, 2007, meeting in Concord, the Commission denied the request to take emergency action to list the longfin smelt as an endangered species and directed the Department to review the petition to list the longfin smelt as an endangered species and report to the Commission if, at any time during the review process, it believed that emergency action was warranted.

Pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the Commission, at its February 7, 2008, meeting in San Diego, accepted the petition for consideration. Pursuant to subdivision (a)(2) of Section 2074.2 of the Fish and Game Code, the Commission declared the longfin smelt a candidate species for listing as defined by Section 2068 of the Fish and Game Code.

The Department, pursuant to Section 2074.6 of the Fish and Game Code, submitted a written report to the Commission on January 23, 2009, indicating whether the petitioned action is warranted.

NOTICE IS HEREBY GIVEN that the Commission, pursuant to the provisions of Section 2075 of the Fish

and Game Code, has scheduled the petition for final consideration at its March 4, 2009 meeting at the Yolo Fliers Club, 17980 County Road 94B, Woodland, California.

Copies of the petition, the Department's written report, and minutes of the October 11, 2007 and February 7, 2008 Commission meetings, are on file and available for public review from John Carlson, Jr., Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Written comments or data related to the petitioned action should be directed to the Commission at the aforementioned address.

FISH AND GAME COMMISSION

NOTICE OF RECONSIDERATION OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission, on January 23, 2008 received a petition from the Center for Biological Diversity to list the Pacific fisher (*Martes pennanti*) as an endangered or threatened species.

Pursuant to Section 2073 of the Fish and Game Code, on January 31, 2008 the Commission transmitted the petition to the Department of Fish and Game for review pursuant to Section 2073.5 of said code.

Pursuant to Section 2074.2 of the Fish and Game Code, the Commission, at its August 7, 2008, meeting in Carpinteria, rejected the petition to list the Pacific fisher as an endangered or threatened species based on a finding that the petition did not provide sufficient information to indicate that the petitioned action may be warranted.

The Commission will reconsider that decision and receive public testimony at a hearing to be held at Yolo Fliers Club, 17980 County Road 94B, Woodland, California, on March 4, 2009, at 8:30 a.m., or as soon thereafter as the matter may be heard.

Interested parties may present written comments to the Fish and Game Commission office at 1416 Ninth Street, Box 944209, Sacramento, CA 94244-2090, or by fax at (916) 653-5040, or by e-mail to fgc@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. on March 2, 2009. All comments must be received no later than March 4, 2009, at the hearing in Woodland, CA.

Interested parties may contact Dr. Eric Loft, Wildlife Branch, Department of Fish and Game, 1812 Ninth Street, Sacramento, CA 95814, or telephone (916)

445–3555 for information on the petition or to submit information to the Department relating to the petitioned species.

PETITION DECISION

Note: Air Resources Board’s petition decision refers to various “Reference” items. For editorial reasons, these items are not being published. Interested persons may contact Lori Andreoni at (916) 322–5594 for more information about these References.

AIR RESOURCES BOARD

January 26, 2009

Mr. Lawrence Lim, Chairman
Ko–Am Cleaners Association of California
5420 Ygnacio Valley Road, Suite 60
Concord, California 94521

Dear Mr. Lim:

On December 1, 2008, the California Air Resources Board (ARB or Board) received your letter together with the petition entitled “Second Petition of the Ko–Am Cleaners Association of California to the California Air Resources Board for Amendments to section 93109, Title 17 California Code of Regulations” (hereinafter the Petition). This section refers to the Airborne Toxic Control Measure for Emissions of Perchloroethylene (Perc) from Dry Cleaning and Water Repelling Operations (Dry Cleaning ATCM). You have cited the following as authority for the requested action: California Government Code sections 11340.6 and 11340.7.

The California Administrative Procedure Act (APA) provides that any interested person may petition a state agency requesting the adoption, amendment, or repeal of a regulation as provided in Government Code section 11340.6. The petition must clearly and concisely state the substance or nature of the regulation, amendment, or repeal requested, the reason for the request, and reference to the authority of the state agency to take the action requested. (Government Code section 11340.6(a)–(c)). The APA further provides that a state agency shall notify the petitioner in writing of the receipt and shall within 30 days either deny the petition indicating why the agency has reached its decision on the merits of the petition in writing or schedule the matter for public hearing in accordance with the notice and hearing requirements of the APA. (Government Code section 11340.7.) ARB requested and appreciates the extension you granted to respond by January 26, 2009. The extension provided an opportunity to consider and

discuss the circumstances raised in the petition with the State Fire Marshal and others. By this letter, we are advising you that ARB has denied the Petition.¹ The basis for the denial is set forth in this letter and the references listed on the enclosure to this letter.

Summary of Findings for the Denial

The findings upon which the denial is based are summarized below and the basis for these findings is discussed in more detail later in this letter. The findings are as follows:

- ARB finds that sufficient information was not provided to support the petitioner’s claim that given the current state of the economy implementation of the Dry Cleaning ATCM will have “dramatic adverse consequences” on the dry cleaning industry.
- ARB finds that the petitioner has not provided sufficient information on the estimated costs of installing fire suppression systems.
- ARB estimates, based on information ARB staff gathered, that the average cost to install an automatic sprinkler system, for a typical installation, could result in a \$0.05 increase in the cost of cleaning a garment.
- ARB finds that a \$0.05 increase in the cost of cleaning a garment is not sufficient to warrant changes to the regulation.
- ARB finds that it is premature to conclude that all new hydrocarbon dry cleaning facilities will have to install automatic sprinkler system until the petitioner fully explores the alternative compliance options or administrative remedies provided under the 2007 California Fire Code (CFC).

The Regulation Addressed by the Petition

The Petition contains the second request for ARB to amend section 93109 of Title 17, California Code of Regulations (CCR), the Dry Cleaning ATCM. The Dry Cleaning ATCM prohibits the sale or lease of new Perc dry cleaning machines beginning on January 1, 2008, eliminates the use of existing Perc machines at co–residential facilities (facilities that share a wall with, or are located in the same building, as a residence) by July 1, 2010, requires Perc machines that are 15 years or older be removed from service by July 1, 2010, and requires that all other Perc machines be removed from service once they become 15 years old or by January 1, 2023,

¹ The Board may delegate any duty it deems appropriate to its Executive Officer (Health and Safety Code section 39515(a)). The Board is conclusively presumed to have delegated any of its powers to the Executive Officer unless it has expressly reserved that power to itself (Health and Safety Code (HSC) section 39516.) The Board has not reserved the power to act on rulemaking petitions and it is, therefore, appropriate for the Executive Officer to act on the Petition under delegated authority.

whichever is sooner. In addition, the Dry Cleaning ATCM expands good operating practices and record-keeping and reporting requirements for Perc dry cleaners, and requires Perc manufacturers and distributors to report and keep records of their Perc sales to California dry cleaners.

The Petition requests ARB to either reverse the action taken by the Board on January 25, 2007 by deleting the adopted regulatory text or the final regulation order (Reference A) and restoring the deleted regulatory text (Reference B) or by amending the regulatory text to include additional lead time of 5 to 10 years to all of the compliance dates. In the Petition, you restated the reasons contained in the previous petition entitled "Petition of the Ko-Am Cleaners Association of California to the California Air Resources Board for Amendments to section 93109, Title 17, California Code of Regulations" (Reference C, hereinafter the First Petition) and added two additional reasons why the Board should consider amending the Dry Cleaning ATCM. ARB's responses to the reasons in the First Petition were addressed in ARB's March 7, 2008 letter to you (Reference D, hereinafter March 2008 Letter). The two additional reasons and ARB's responses to them are addressed in the following discussion.

Petitioner's Claim No. 1 — The Current State of California's Economy

The first new reason cited in the Petition is the claim that the Board's decision at the January 25, 2007 hearing was based on an economic analysis that did not reflect California's current economy. The Petition states that:

[T]he Board's January 25, 2007 decision that included the ban on perchloroethylene-based dry cleaning machines was based on an economic analysis that did not reflect the current state of California's economy. Rather, the Board's 2007 decision was based on what are now known as erroneous assumptions that vastly overstated the dry cleaning industry's ability to finance the purchase of alternative dry cleaning machines and the ability of the industry to recover those costs by passing them on to customers... CARB's failure to make the requested changes to section 93109 will have dramatic adverse consequences for the dry-cleaning industry and in small cleaners in particular.

Response to Claim No. 1

The Board's decision at the January 25, 2007 hearing considered the economic and cost information on the effects of the Dry Cleaning ATCM and the projected total cost at that time. Since then, the California's economy has taken a downturn. The California economy has seen an increase in unemployment rates, a decrease in consumer spending, and a loss of revenue for businesses. However, the extent and impact this downturn

has had on the dry cleaners are not known and the petitioner did not provide this information. The petitioner has not provided any information on the economic loss suffered by dry cleaners in California or examples of the industry's inability to purchase alternative dry cleaning machines. More importantly, the major requirements of the Dry Cleaning ATCM, which requires the replacement of existing Perc machines, will not begin until July 2010 and will not be completed until 2023.

Therefore, staff finds that the claim that California's current economy will have a "dramatic adverse consequence for the dry-cleaning industry" is unsubstantiated.

Petitioner's Claim No. 2 — Costs Associated with Installation of Sprinklers for Newly Installed Hydrocarbon Cleaning Systems

The second new reason cited in the Petition is the claim that costs associated with the use of high flash point hydrocarbon solvent in dry cleaning machines are higher than estimated in the rule making process because the 2007 CFC requires installation of fire suppression systems at all dry cleaning facilities using high flash point hydrocarbon solvent-based machines. The petitioner claims that this higher cost results in the hydrocarbon based systems being unviable alternatives and renders the Board's findings incorrect. The Petition states that:

[T]he Board's January 25, 2007 decision that included the ban on perchloroethylene-based dry cleaning machines was based on an analysis of alternative technologies that failed to properly account for all of the costs associated with alternatives. . . [T]he California State Fire Marshal is requiring the installation of fire suppression systems at all dry cleaning facilities using the high flash point hydrocarbon solvent based machines. . . CARB staff's conclusion that hydrocarbon based systems are a viable alternative to perchloroethylene-based dry cleaning machines is erroneous and that fact renders the Board's finding based on that conclusion incorrect.

Response to Claim No. 2

Background

The 2007 CFC, effective on January 2008, requires fire suppression systems (automatic sprinklers) in buildings where new dry cleaning systems using Class II, Class IIIA, or Class IIIB solvents are installed. Existing dry cleaning facilities that started using Class II, Class IIIA, and Class IIIB solvents before January 2008 will continue to fall under the previous CFC (2001) which exempts facilities that store less than 330 gallons of solvent onsite. As a result, existing hydrocarbon dry cleaning operations will not have to retroactively install

fire suppression systems. Also, the 2007 CFC will not impact dry cleaning facilities that already have sprinklers in place.

The Board's decision at the January 25, 2007 hearing did not include consideration of the impact of the 2007 CFC because the 2007 version was still under development and was not effective until January 2008. Because Class II, Class IIIA, and Class IIIB solvents are some of the most popular alternatives to Perc and the Dry Cleaning ATCM requires replacement of existing Perc machines starting in July 1, 2010, with all Perc machines to be replaced by January 2023, up to 2500 facilities statewide could be impacted by the 2007 CFC.

If required to meet the 2007 CFC, a dry cleaning facility owner who installs a new dry cleaning solvent system that use solvents in Class II (Stoddard Solvent) and Class III (high flash point hydrocarbon solvents, Green-Earth® and Rynex™) would have three options to comply. The first option would be to comply with the 2007 CFC as it is written and install an automatic sprinkler system. The second option would be to employ an alternative fire prevention method (requires approval from the local fire authority). The third option would be to participate in the CFC's amendment process with the Office of the State Fire Marshal (OSFM) to attempt to amend the 2007 CFC requirements concerning hydrocarbon dry cleaning facilities. The following discusses ARB's findings concerning each option.

Option 1 — Installation of an Automatic Sprinkler System

Concerning the first option, the installation of an automatic sprinkler system, the petitioner claims that this option would make hydrocarbon machines too costly to be considered a viable alternative to Perc dry cleaning systems. The petitioner did not provide any specific information concerning the cost of installing automatic sprinkler systems, how many hydrocarbon systems installed in 2008 were required to add automatic sprinkler systems, or how many facilities per year are likely to have to install these systems between 2010 and 2023.

Since no cost information was provided, ARB staff contacted Office of the State Fire Marshal (OSFM), dry cleaning industry representatives, and local air district personnel to gather additional information on the potential impacts of 2007 CFC. Staff found that the total cost for installing a new automatic sprinkler system will be site-specific and depend on a number of factors. These include the size of the building, whether the dry cleaning facility is in a stand-alone building or part of a larger building, whether an additional water supply and its associated piping is needed, whether any structural upgrades are needed, whether there are permit and inspection fees, and whether there are any local fire authority requirements.

Based on our investigation, staff estimates that the cost for installing automatic sprinkler systems will be between 2 to 4 dollars per square foot of building space. For an average sized dry cleaning facility of 2000 square feet, this would result in an average cost of about \$6,000 (range of \$4,000 to \$8,000). This average cost assumes the facility will not have to make any significant to its water supply system or the building structural. It also does not include any permit and inspections fees.

Adding the \$6,000 cost to the cost of hydrocarbon machines, would increase staff's estimated cost for installing a new hydrocarbon machine from \$75,000 to \$81,000. This would change the "Cost Recover Price Increase" reported to the Board (See Table VII-11 of the Staff Report: Initial Statement of Reasons released on December 8, 2006, Reference E, herein) from \$0.56 to \$0.61.

Staff believes a \$0.05 change in the "Cost Recover Price Increase" is not sufficient to warrant changes to the regulation.

Option 2 — Use an alternative method of fire protection

The second option, using an alternative method of fire protection, is allowed under section 111.2.4 of the 2007 CFC. Facility owners can use an alternative method of protection provided that the method would provide equivalent fire protection and there is agreement and approval from the facility's local fire authority. Ms. Kate Dargan, the State Fire Marshal, addressed this option in her December 23, 2008 letter (Reference F, hereinafter, December 2008 Letter) to Mr. David Suber, President of the California Cleaners Association. The December 2008 Letter is incorporated herein by reference. In the December 2008 Letter, Ms. Dargan stated that NFPA 32 (National Fire Protection Association Standard for Dry Cleaning Plants) may exclude the requirement for an automatic sprinkler system and the OSFM is considering alternate methods of protection utilizing the provisions of NFPA 32. Local fire authorities have the authority and often use the option of applying alternate methods of protection to comply with the CFC. Besides the use of NFPA 32, other methods maybe considered and implemented to demonstrate that dry cleaning facilities' treatment of Class II and Class III solvents will provide equivalent fire protection. Individual facility owners will need to work with local fire authorities and seek their approval.

Option 3 — Seeking Amendments to 2007 CFC

The third option, seeking amendments to 2007 CFC, is allowed under the OSFM's rule making process. In the December 2008 Letter, Ms. Kate Dargan noted that the OSFM is reviewing provisions in NFPA 32 for possible adoption into the next CFC, tentatively proposed

for 2011; NFPA 32 provides an exemption for facilities that store no more than 330 gallons of solvent. ARB staff estimates that a majority of the Perc dry cleaners will not be required by the Dry Cleaning ATCM to replace their Perc machines until 2011 or after. Participation in the OSFM's rule making process, which should start in the March/April 2009, can ensure proper representation of the dry cleaning industry and potentially provide an exemption from sprinkler installation to those dry cleaning facility owners that will choose to switch from Perc to a Class III solvent in 2011 and beyond.

ARB finds that until the petitioner fully explores this option it is premature to conclude that all new hydrocarbon dry cleaning facilities will have to install an automatic sprinkler system.

Conclusion

Based on the foregoing analysis, ARB find that the Petition has not demonstrated the Dry Cleaning ATCM to be inconsistent with the overall statutory charge to protect public health through the control of Perc as a toxic air contaminant, nor has the Petition demonstrated further amendments to the Dry Cleaning ATCM to be reasonably necessary to effectuate the purposes of the Health and Safety Code sections 39665 and 39666.

The record upon which this denial is based includes the Petition and its enclosures. The record also includes this letter and all of the material incorporated by reference.

In accordance with Government Code section 11340.7(d), a copy of this letter is being transmitted to the Office of Administrative Law for publication in the California Regulatory Notice Register. The agency contact person on this matter is Robert Krieger, Manager, Emissions Evaluation Section at (916) 323-1202. Interested parties may obtain a copy of the Petition from Lori Andreoni, ARB Office of Legal Affairs, 1001 I Street, P.O. Box 2815, Sacramento, CA 95812, (916) 322-5594.

Sincerely,

/s/
James N. Goldstene
Executive Officer

Enclosures

cc: Robert Krieger, Manager
Emissions Evaluation Section
Stationary Source Division

Lori Andreoni, Manager
Board Administration
and Regulations Coordination Unit
Office of Legal Affairs

bcc: Diane Moritz Johnston, OLA
Dan Donohoue, SSD
Mei Fong, SSD

DISAPPROVAL DECISION

CALIFORNIA HIGHWAY PATROL

**State of California
Office of Administrative Law**

In re:

California Highway Patrol

**Regulatory Action: Title 13
California Code of Regulations**

Amend section: 1293

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2008-1218-01 S

SUMMARY OF REGULATORY ACTION

The California Highway Patrol (CHP) proposed to amend section 1293 of title 13 of the California Code of Regulations, relating to school buses transporting pupils in wheelchairs. On December 18, 2008, the proposed regulations were submitted to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On February 3, 2009, OAL notified CHP that the action was disapproved.

DECISION

OAL disapproved the proposed amendment because the rulemaking record fails to meet the clarity standard pursuant to Government Code section 11349.1.

Date: February 10, 2009

/s/
Susan Lapsley
Director

Original: Mike Brown

Copy: Gary Ritz

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2008-1231-02
BOARD OF BARBERING AND COSMETOLOGY
Esthetician Curriculum Regulations

The Bureau of Barbering and Cosmetology (the Bureau; formerly the Board of Barbering and Cosmetology) has made substantial revisions to its existing regulation on skin care (esthetician) curriculum.

Title 16
California Code of Regulations
AMEND: 950.3
Filed 02/11/2009
Effective 03/13/2009
Agency Contact: Kevin Flanagan (916) 575-7104

File# 2009-0106-02
BOARD OF EDUCATION
Instructional Materials — Social Content Review

This rulemaking implements Senate Bill 734 (Ch. 476 of 2007) which requires the Board of Education to adopt regulations governing the social content review of non-Board-of-Education-adopted instructional materials in the areas of racial and cultural diversity, contributions of men and women and ethnic communities, and many other social, civic, environmental, safety, and health issues. The new regulations do not include social content standards but rather incorporate by reference a manual entitled: Standards for Evaluating Instructional Materials for Social Content, 2000 Edition. The regulations also set various fees to be charged to publishers for review of various instructional material formats, which contain provisions for reduced fees for small publishers, and also create an appeal process which publishers may use to challenge a finding of non-compliance with social content standards.

Title 5
California Code of Regulations
ADOPT: 9800, 9810, 9820, 9830
Filed 02/04/2009
Effective 03/06/2009
Agency Contact: Connie Diaz (916) 319-0860

File# 2008-1223-03
BOARD OF EQUALIZATION
Interstate and Foreign Commerce

This section 100 change without regulatory effect conforms various time periods and dates listed in T18 CCR section 1620 governing determination of whether a vehicle, vessel, or aircraft was purchased for use out of state to statutory changes made by AB 1452 (Stats. 2008, Chap. 763).

Title 18
California Code of Regulations
AMEND: 1620
Filed 02/05/2009
Agency Contact: Richard Bennion (916) 445-2130

File# 2009-0202-02
CALIFORNIA POLLUTION CONTROL
FINANCING AUTHORITY
California Capital Access Program for Small Business

This rulemaking amends the California Capital Access Program for small businesses by adopting the statutory definitions of certain terms, by allowing for the discontinuation of a financial institution's participation in the program for providing false or misleading information to the Authority, by excluding from the statutory maximums the fees paid by Independent Contributors, and by creating Preferred Lender status for certain qualifying financial institutions.

Title 4
California Code of Regulations
ADOPT: 8078.1
AMEND: 8070, 8072, 8076, 8078
Filed 02/11/2009
Effective 02/11/2009
Agency Contact: Aaron Todd (916) 654-5740

File# 2009-0121-01
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Senate Bill 618 Regulation Revisions

Senate Bill 618 authorizes counties to develop a multi-agency plan to prepare and enhance nonviolent offenders' successful reentry into the community and authorizes the Department of Corrections and Rehabilitation to enter into an agreement with up to 3 counties to implement the plan and provide funding for the probation department to carry out its assessments. This regu-

latory action implements these provisions and is certified as an operational necessity and deemed an emergency by the Legislature pursuant to Penal Code section 5058.3.

Title 15
California Code of Regulations
ADOPT: 3077, 3077.1, 3077.2, 3077.3, 3077.4
AMEND: 3000, 3043.6, 3375
Filed 02/05/2009
Effective 02/05/2009
Agency Contact: Diane Hawkins (916) 322-8447

File# 2009-0112-02
DEPARTMENT OF FOOD AND AGRICULTURE
Glassy-winged Sharpshooter

This change without regulatory effect revises two references to the glassy-winged sharpshooter to reflect the current view of the scientific community that the proper identification and name of the pest is *Homalodisca vitripennis* rather than *Homalodisca coagulata*.

Title 3
California Code of Regulations
AMEND: 3060.4(a)(1)(C)(1), 3652(k)
Filed 02/10/2009
Agency Contact:
Susan R. Ichiho (916) 654-1393

File# 2009-0127-01
DEPARTMENT OF FOOD AND AGRICULTURE
Light Brown Apple Moth Interior Quarantine

This emergency regulatory action will expand the regulated area in Bay Area counties and Monterey, San Benito and Santa Cruz counties by approximately 144 square miles for the light brown apple moth "LBAM" (*Epiphyas postvittana*) due to recent findings of the pest. The effect of this amendment of the regulation is to establish the authority for the State to perform quarantine activities against LBAM in these additional areas.

Title 3
California Code of Regulations
AMEND: 3434(b)
Filed 02/05/2009
Effective 02/05/2009
Agency Contact:
Stephen S. Brown (916) 654-1017

File# 2009-0205-02
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Re-adoption of Ignition Resistance Construction System within Wildlife Urban Interface

This is a readopt of an emergency regulatory action that incorporates by reference the new OSFM building standards (Title 24, California Building Code, Part 2, Chapter 7A) recently approved by the California Building Standards Commission and applies them to manufactured homes, mobilehomes, multifamily manufactured housing, and commercial modulars built or installed in a Wildland-Urban Interface Fire Area. This will provide minimum standards for the design, materials and construction methods for roofs, roof coverings, roof assemblies, attic eaves and cornice vents, and exterior wall coverings for manufactured homes, mobilehomes, multifamily manufactured housing, or commercial modulars in order to resist the intrusion of flame or burning embers projected by a vegetation fire on or into these structures in the same manner as conventionally constructed structures. These regulations also establish requirements for third-party approval of design plans for ignition resistant construction systems and third-party inspections in the manufacturing facility, and establish requirements for Department approval of the design and construction of the ignition resistant construction system if the structure has already left the manufacturing facility.

Title 25
California Code of Regulations
ADOPT: 4200, 4202, 4204, 4206, 4208, 4210, 4212, 4214, 4216
Filed 02/11/2009
Effective 02/25/2009
Agency Contact: Ruth Ibarra (916) 327-2796

File# 2008-1222-04
DEPARTMENT OF INSURANCE
Filing of Financial Statements

Effective with the 2008 annual statement filing due March 1, 2009, and for every annual and quarterly statement due thereafter, including supplemental financial statements, this regulatory action requires these statements to be filed by admitted insurers with the Internet-based financial filing system operated by the National Association of Insurance Commissioners (NAIC), which the Commissioner has designated to receive and store these electronic financial filings. The regulations also establish the procedures for confirming an electronic filing and establish when a paper filing with the Department is also required.

Title 10
California Code of Regulations
ADOPT: 2308.1, 2308.2, 2308.3
Filed 02/05/2009
Effective 02/05/2009
Agency Contact:
Cathleen S. Chapman (415) 538-4458

File# 2009-0130-01

DEPARTMENT OF MENTAL HEALTH
Assessment of Sexually Violent Predators

This emergency regulatory action establishes part of the standardized assessment protocol to determine whether a person should be deemed to be a sexually violent predator.

Title 9

California Code of Regulations

ADOPT: 4000, 4005

Filed 02/06/2009

Effective 02/06/2009

Agency Contact: Jon Cordova (916) 657-8554

File# 2009-0113-02

DEPARTMENT OF MOTOR VEHICLES
Driver Licenses and ID Cards: Gender Change

This rulemaking action removes a regulatory provision concerning gender change from Title 13 California Code of Regulations Section 20.04 which relates to name changes for driver license and identification card purposes. It creates a new section 20.05 which is specific to certification of gender change. The rulemaking repeals form DL 328, which was a combined gender and name-change form and adopts a new form DL 329 which is specific to certification of gender change.

Title 13

California Code of Regulations

ADOPT: 20.05

AMEND: 20.04

Filed 02/05/2009

Effective 03/07/2009

Agency Contact: Randi Calkins (916) 657-8898

File# 2008-1223-02

DEPARTMENT OF MOTOR VEHICLES
Employer Testing Program

Department of Motor Vehicles proposes this nonsubstantive action to amend the required form agreement for employers who want to participate in Employer Testing Program. The amendment adds spaces between paragraphs to item number seven of the agreement to make it easier to read, and revises the incorporation by reference date in title 13, section 25.08(a)(2), (g)(1) and (h)(3).

Title 13

California Code of Regulations

AMEND: 25.08

Filed 02/05/2009

Agency Contact: Randi Calkins (916) 657-8898

File# 2008-1223-04

DEPARTMENT OF SOCIAL SERVICES
Senate Bill 1569 (Ch. 672, Stats of 2006)
Implementation

This regulatory action is a certificate of compliance for an emergency regulatory action implementing Senate Bill 1569 (Ch. 672, Stats of 2006) which extended eligibility for public social services including refugee cash assistance, Medi-Cal and employment services to "qualified noncitizen victims of trafficking, domestic violence and other serious crimes" who demonstrate eligibility. These emergency regulations were exempt from review by the Office of Administrative Law pursuant to section 4 of Senate Bill 1569.

Title MPP

California Code of Regulations

ADOPT: 40-037, 70-101, 70-102, 70-103, 70-104, 70-105

AMEND: 30-755, 30-770, 40-105, 42-430, 42-431, 42-433, 42-711, 49-020, 49-030, 49-060, 63-403, 69-201, 69-202, 69-205

Filed 02/05/2009

Effective 02/05/2009

Agency Contact: Sandra Ortega (916) 657-3174

File# 2008-1224-01

DEPARTMENT OF SOCIAL SERVICES
Emergency Regulations—Minimum Sanction Periods & County Plan Addendum

This is the Certificate of Compliance filing making permanent the prior emergency file and print amendments of the MPP to alter the sanctions process for participant noncompliance in the CalWORKS program and add a requirement that a county submit a county plan addendum to the CalWORKS program every three years. These changes implement the statutory requirements contained in sections 29.3 and 27.3, of AB 1808 (Chap. 75, Stats. 2006).

Title MPP

California Code of Regulations

AMEND: 42-721, 42-780, 44-303, 44-307, 44-318, 82-182

Filed 02/09/2009

Effective 02/09/2009

Agency Contact: Sandra Ortega (916) 657-3174

File# 2008-1219-03

DEPARTMENT OF TOXIC SUBSTANCES
CONTROL

Conso. Universal Waste & Authorization of Electronic Hazardous Waste

This is the Certificate of Compliance making permanent prior emergency regulatory actions (OAL file nos. 2008-0501-03EE, 2006-1221-02E and

06–1221–03E), and making additional changes to regulations, all dealing with the authorized treatment of universal waste electronic devices and notification requirements for manufacturers of covered electronic devices under the Electronic Waste Recycling Act of 2003. The regulatory action also makes permanent the prohibition of covered electronic devices from being sold or offered for sale in California if the electronic device is prohibited from being sold or offered for sale in the European Union due to the concentration of one or more heavy metals pursuant to specified European Union documents; and makes permanent the list of electronic devices that are presumed to be hazardous wastes, and that are also “covered electronic devices,” if they have a viewable screen size greater than four inches, as indicated in the “Appendix X” list of electronic devices that are presumed to be hazardous wastes when discarded. The emergency language has been in place pursuant to Health and Safety Code section 25214.10.2.

Title 22

California Code of Regulations

ADOPT: 66260.201, 66260.202, 66273.7, 66273.33.5, 66273.41, 66273.70, 66273.71, 66273.72, 66273.73, 66273.74, 66273.75, 66273.76, and 66273.77

AMEND: 66260.10, 66260.23, 66261.4, 66261.9, 66261.50, appendix X of chapter 11, 66264.1, 66265.1, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.8, 66273.9, 66273.30, 66273.31, 66273.32, 66273.33, 66273.34, 66273.35, 66273.36, 66273.37, 66273.38, 66273.39, 66273.40, 66273.51, 66273.52, 66273.53, 66273.54, 66273.55, 66273.56, 66273.60, 66273.61, 66273.62, and 67100.2

REPEAL: 66273.7.1, 66273.7.2, 66273.7.3, 66273.7.4, 66273.7.5, 66273.7.6, 66273.7.7, 66273.7.8, 66273.7.9, 66273.7.10, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.21, 66273.41, 66273.70, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85, 66273.86, 66273.87, 66273.88, 66273.89, and 66273.90

Articles Affected: Amend article 3; Adopt new article 4; Renumber old article 4 to article 5; Renumber old article 5 to article 6; Repeal old article 6; Repeal old article 7 and adopt new article 7.

Filed 02/04/2009

Effective 02/04/2009

Agency Contact: Laura Hayashi (916) 322–6409

File# 2008–1230–02

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Replace Graphics

This is a nonsubstantive action replacing graphics that lack visual clarity with newly redrawn ones, enhancing clarity and readability. There are also nonsubstantive, editorial changes.

Title 8

California Code of Regulations

AMEND: 3231, 3277, Appendix B Following Section 3299, Appendix A following Section 3326, 3340, 3341, 3575, Appendices A, B, C, D, E, F, G following Section 3583

Filed 02/09/2009

Agency Contact: Marley Hart (916) 274–5721

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN September 10, 2008 TO
February 11, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

01/20/09 AMEND: 260

01/20/09 AMEND: Appendix A, Std. Form 400

Title 2

02/02/09 AMEND: 18402, 18450.3

01/30/09 ADOPT: 18427.5

01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401

01/27/09 AMEND: 2294

01/26/09 AMEND: 1859.104.1

01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184

01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128

01/08/09 ADOPT: 18420.1

01/08/09 ADOPT: 18944.3 AMEND: 18944.1

12/30/08 AMEND: 714

12/29/08 ADOPT: 2298

12/15/08 AMEND: 17463, 17470, 17519

12/09/08 ADOPT: 25100

12/08/08 AMEND: 1700
 11/03/08 AMEND: 647.1, 647.2, 647.3, 647.20, 647.20.1, 647.21, 647.22, 647.23, 647.24, 647.25, 647.26, 647.30, 647.31, 647.32, 647.33, 647.35, 647.36, 648.1, 648.3, 648.5, 649.20, 649.21
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09/23/08 AMEND: 3591.20(a)
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Title 23		12/02/08	AMEND: 25805(b)
02/03/09	AMEND: 3989	Title 28	
01/07/09	ADOPT: 3939.34	09/15/08	ADOPT: 1300.71.39
01/05/09	ADOPT: 3006	Title MPP	
12/09/08	ADOPT: 3939.33	02/09/09	AMEND: 42–721, 42–780, 44–303, 44–307, 44–318, 82–182
		02/05/09	ADOPT: 40–037, 70–101, 70–102, 70–103, 70–104, 70–105 AMEND: 30–755, 30–770, 40–105, 42–430, 42–431, 42–433, 42–711, 49–020, 49–030, 49–060, 63–403, 69–201, 69–202, 69–205